IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO. 1060 of 2004

AND

WRIT PETITION No. 3096 of 2004

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WRIT APPEAL No.1060 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/06/2004 in WVMP.NO.1328 OF 2004 in WPMP.NO.4089 OF 2003 in WP NO :3096 OF 2004 on the file of the High Court.)

Between:

1 BHEL Schedules Caste Employees Welfare Association, rep.by General Secretary, D.Chandraiah, S/o Pentaiah, BHEL, Ramachandrapuram, Hyderabad
2 Scheduled Tribe Employees Welfare & Cultural Assn. rep.by General Secretary, R.Dayanand, S/o Pentaiah, BHEL, Ramachandrapuram, Hyderabad

..... APPELLANT(S)

AND

1 The Executive Director (HR) BHEL House, SIRI FORT, New Delhi
2 The Additional General Manager, (HR) ET Cell, 24 Building, BHEL, Tiruchirapalli
3 The Executive Director, BHEL, Ramachandrapuram, Hyderabad
4 The Secretary, Department of Personnel & Training (DOPT) Ministry of Personnel, Public Grievances and Pensions,Government of India, North Block, New Delhi
5 The Secretary, Ministry of Heavy Industries & Public enterprises, Government of India, Udyog Bhavan, New Delhi

.....RESPONDENTS

Counsel for the Appellant:MR.V.RAJA MANOHAR

Counsel for the Respondent No.: MR.S.V.BHATT & SC FOR CENTRAL GOVT.

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WRIT PETITION NO : 3096 of 2004

Between:

1 BHEL Scheduled Castes Employees Welfare Association, rep by its General Secretary, D.Chandriah, S/o Pentaiah, BHEL, Ramachnadrapuram, Hyderabad
2 Scheduled Tribe Employees Welfare & Cultural Association, rep by its General Secretary, R.Dayanand, S/o Pentaiah, BHEL, Ramachandrapuram, Hyderabad

..... PETITIONERS

AND

1 The Executive Director,(HR),BHEL House, SIRI FORT, New Delhi-110049
2 The Addl. General Manager (HR), ET Cell, 24 Building, BHEL,

TIRUCHURAPALLI 620 014,Tamilnadu State
3 The Excutive Director, BHEL, Ramachandrapuram, Hyderabad
4 The Secretary, Dept. of Personnel & Training (DOPT), Ministry of

Personnel,Public Grievences and Pensions, Govt. of India, North Block,

New Delhi
5 The Secreary, Ministry of Heavy Industries & Public Enterprises,

Government of India, Udyog Bhavan, New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the notification published in employment news dated 27-12-2003 - 02-01-2004 issued by the 1st respondent proposing to filling up 260 posts Group-A Mechanical Engineers, Electric Engineers, Electronics Engineers,

Computer Engineers of Executives is illegal and unconstitutional and consequently direct the respondents 1 and 2 to fill up backlog vacancies of the executives posts of Group-A in Mechanical Engineers, Electric Engineers, Electronics Engineers, Computer Engineers.

Counsel for the Petitioner:MR.J.SATYA PRASAD, Advocate.

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

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COMMON JUDGMENT : (Per BN, J)

Heard learned Counsel for the parties. At the request of the Senior Counsel appearing for the parties, the Appeal along with the Writ Petition, are being disposed of at this stage.

The controversy is very short. The respondents have undertaken the process of selection of Executive Trainees in Category-A of the posts. The apprehension of the appellants is that although there are back-log vacancies which are to be filled up by Scheduled Caste and Scheduled Tribe candidates, they would be filled up by Open Category candidates. According to the respondents, Category-A has 13 groups of posts and it is only in one group of posts that the selections will be made and in that group of Category-A, there are no back-log vacancies. The posts which are now advertised, are advertised in accordance with the reservation policy and in all 22.5% of the posts of Scheduled Caste and Scheduled Tribe Candidates will also be recruited.

Therefore on the face of it, we do not find any difficulty in allowing the respondents to go ahead with the recruitment process. But since apprehensions have been expressed by the appellants that there are back-log vacancies which are not being filled up and they further apprehend that in the present selection, some back-log posts meant for reserved categories may be filled up by Open Category candidates, we direct that;

1. In the present selection, no Open Category candidate shall be selected or appointed against a post reserved for any reserved category, and

2. the respondents shall also undertake an exercise and examine whether there are any back-log posts for Scheduled Caste and Schedule Tribe candidates and if so, they shall take steps to make special recruitment in accordance with rules. The respondents shall complete the above exercise within a period of three months from today.

With these orders, Writ Appeal along with Writ Petition, are disposed of. No costs.

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(BILAL NAZKI, J)

26th July, 2004.

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(S.ANANDA REDDY, J)

ajr.

N.B.:-

Office shall place the copies of this order in respective

Bundles after the signatures of their Lordships.

To

1 The Secretary, Department of Personnel & Training (DOPT) Ministry of Personnel, Public Grievances and Pensions,Government of India, North Block, New Delhi

2 The Secretary, Ministry of Heavy Industries & Public enterprises, Government of India, Udyog Bhavan, New Delhi.

3 Two C.D. copies.

4 The Executive Director (HR), BHEL House, SIRI FORT, New Delhi-110049.

5 The Addl.General Manager (HR), ET Cell, 24 Building, BHEL, Tiruchirapalli-620014, TamilNadu State.

6 The Executive Director, BHEL, Ramachandrapuram, Hyderabad-502032.